

HOWARD A. SLAVITT (State Bar No. 172840)
JULIE GREER (State Bar No. 200479)
ZUZANA SVIHRA (State Bar No. 208671)
COBLENTZ, PATCH, DUFFY & BASS LLP
One Ferry Building, Suite 200
San Francisco, California 94111
Phone: (415) 391-4800
Fax: (415) 989-1663

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Plaintiffs
SONY MUSIC ENTERTAINMENT; ELEKTRA
ENTERTAINMENT GROUP; CAPITOL RECORDS;
ATLANTIC RECORDING CORP.; ARISTA RECORDS;
UMG RECORDINGS; and, VIRGIN RECORDS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ADR

EMCI

SONY MUSIC ENTERTAINMENT INC., a
Delaware corporation; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; ATLANTIC
RECORDING CORPORATION, a Delaware
corporation; ARISTA RECORDS, INC., a
Delaware corporation; UMG RECORDINGS,
INC., a Delaware corporation; and,
VIRGIN RECORDS AMERICA, INC., a
California corporation,

Case No. :
C 03 4085
COMPLAINT FOR COPYRIGHT
INFRINGEMENT

Plaintiffs,

vs.

RAYMOND MAALOUF,

Defendant.

JURISDICTION AND VENUE

1
2
3 1. This is a civil action seeking damages and injunctive
4 relief for copyright infringement under the copyright laws of
5 the United States (17 U.S.C. § 101 et seq.).

6
7 2. This Court has jurisdiction under 17 U.S.C. § 101 et
8 seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C.
9 §1338(a) (copyright).

10
11 3. This Court has personal jurisdiction over the
12 Defendant, and venue in this District is proper under 28 U.S.C.
13 § 1391(b) and 28 U.S.C. § 1400(a), in that the Defendant resides
14 in this District, and the acts of infringement complained of
15 herein originated in this District.

16
17 **PARTIES**

18
19 4. Plaintiff Sony Music Entertainment Inc. is a
20 corporation duly organized and existing under the laws of the
21 State of Delaware, with its principal place of business in the
22 State of New York.

23
24 5. Plaintiff Elektra Entertainment Group Inc. is a
25 corporation duly organized and existing under the laws of the
26 State of Delaware, with its principal place of business in the
27 State of New York.

1 6. Plaintiff Capitol Records, Inc. is a corporation duly
2 organized and existing under the laws of the State of Delaware,
3 with its principal place of business in the State of California.
4

5 7. Plaintiff Atlantic Recording Corporation is a
6 corporation duly organized and existing under the laws of the
7 State of Delaware, with its principal place of business in the
8 State of New York.
9

10 8. Plaintiff Arista Records, Inc. is a corporation duly
11 organized and existing under the laws of the State of Delaware,
12 with its principal place of business in the State of New York.
13

14 9. Plaintiff UMG Recordings, Inc. is a corporation duly
15 organized and existing under the laws of the State of Delaware,
16 with its principal place of business in the State of California.
17

18 10. Plaintiff Virgin Records America, Inc. is a
19 corporation duly organized and existing under the laws of the
20 State of California, with its principal place of business in the
21 State of New York.
22

23 11. Plaintiffs are informed and believe that Defendant is
24 an individual residing in this District.
25
26
27
28

COUNT I

INFRINGEMENT OF COPYRIGHTS

12. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

13. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings, including but not limited to the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights (the "Copyrighted Recordings").

14. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

15. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute

1 infringement of Plaintiffs' copyrights and exclusive rights
2 under copyright. (Exhibit B contains a complete listing of
3 files Defendant has made available for distribution to the
4 public. In addition to the sound recordings listed on
5 Exhibit A, many of the other sound recordings listed on
6 Exhibit B are owned by or exclusively licensed to Plaintiffs or
7 Plaintiffs' affiliate record labels. Plaintiffs are informed
8 and believe that virtually all of the sound recordings listed on
9 Exhibit B have been downloaded, distributed and/or offered for
10 distribution without permission of the respective copyright
11 holders.)

12
13 16. Plaintiffs are informed and believe that the foregoing
14 acts of infringement have been willful and intentional, in
15 disregard of and with indifference to the rights of Plaintiffs.

16
17 17. As a result of Defendant's infringement of Plaintiffs'
18 copyrights and exclusive rights under copyright, Plaintiffs are
19 entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for
20 Defendant's infringement of each of the Copyrighted Recordings.
21 Plaintiffs further are entitled to their attorneys' fees and
22 costs pursuant to 17 U.S.C. § 505.

23
24 18. The conduct of Defendant is causing and, unless
25 enjoined and restrained by this Court, will continue to cause
26 Plaintiffs great and irreparable injury that cannot fully be
27 compensated or measured in money. Plaintiffs have no adequate
28 remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs

1 are entitled to injunctive relief prohibiting Defendant from
2 further infringing Plaintiffs' copyrights, and ordering
3 Defendant to destroy all copies of sound recordings made in
4 violation of Plaintiffs' exclusive rights.

5
6 WHEREFORE, Plaintiffs pray for judgment against
7 Defendant as follows:

8
9 1. For an injunction providing:

10
11 "Defendant shall be and hereby is enjoined
12 from directly or indirectly infringing
13 Plaintiffs' rights under federal or state
14 law in the Copyrighted Recordings and any
15 sound recording, whether now in existence or
16 later created, that is owned or controlled
17 by Plaintiffs (or any parent, subsidiary, or
18 affiliate record label of Plaintiffs)
19 ("Plaintiffs' Recordings"), including
20 without limitation by using the Internet or
21 any online media distribution system to
22 reproduce (i.e., download) any of
23 Plaintiffs' Recordings, to distribute (i.e.,
24 upload) any of Plaintiffs' Recordings, or to
25 make any of Plaintiffs' Recordings available
26 for distribution to the public, except
27 pursuant to a lawful license or with the
28 express authority of Plaintiffs. Defendant

1 also shall destroy all copies of Plaintiffs'
2 Recordings that Defendant has downloaded
3 onto any computer hard drive or server
4 without Plaintiffs' authorization and shall
5 destroy all copies of those downloaded
6 recordings transferred onto any physical
7 medium or device in Defendant's possession,
8 custody, or control."

9
10 2. For statutory damages for each infringement of
11 each Copyrighted Recording pursuant to 17 U.S.C. Section
12 504.

13
14 3. For Plaintiffs' costs in this action.

15
16 4. For Plaintiffs' reasonable attorneys' fees
17 incurred herein.

1 5. For such other and further relief as the Court
2 may deem just and proper.

3
4 HOWARD A. SLAVITT
5 JULIE GREER
6 ZUZANA SVIHRA
7 COBLENTZ, PATCH, DUFFY & BASS LLP

8 By

9 Zuzana Svihra 9/5/03
10 Attorney for Plaintiffs
11 SONY MUSIC ENTERTAINMENT;
12 ELEKTRA ENTERTAINMENT GROUP;
13 CAPITOL RECORDS; ATLANTIC
14 RECORDING CORP.; ARISTA
15 RECORDS; UMG RECORDINGS; and,
16 VIRGIN RECORDS

1 CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

2
3 Pursuant to Civil L.R. 3-16, the undersigned certifies that
4 the following listed persons, associations of persons, firms,
5 partnerships, corporations (including parent corporations) or
6 other entities (i) have a financial interest in the subject
7 matter in controversy or in a party to the proceeding, or (ii)
8 have a non-financial interest in that subject matter or in a
9 party that could be substantially affected by the outcome of
10 this proceeding:
11

12 Plaintiff SONY MUSIC ENTERTAINMENT INC.'s parent company is
13 Sony Corporation of America, which is publicly traded in the
14 United States.
15

16 Plaintiff ELEKTRA ENTERTAINMENT GROUP INC. is a subsidiary
17 of Warner Communications Inc.; Time Warner Companies Inc.; and,
18 AOL Time Warner Inc., which is publicly traded in the United
19 States.
20

21 Plaintiff CAPITOL RECORDS, INC.'s parent corporation is EMI
22 Group PLC, a company publicly traded in the U.K.
23

24 Plaintiff ATLANTIC RECORDING CORPORATION is a subsidiary of
25 Warner Communications Inc.; Time Warner Companies Inc.; and, AOL
26 Time Warner Inc., which is publicly traded in the United States.
27
28

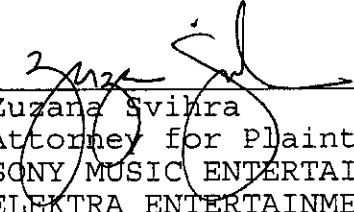
1 Plaintiff ARISTA RECORDS, INC. is a unit of Bertelsmann,
2 Inc., which is not publicly traded.

3
4 Plaintiff UMG RECORDINGS, INC.'s parent corporation is
5 Vivendi Universal, S.A., which is publicly traded in the United
6 States.

7
8 Plaintiff VIRGIN RECORDS AMERICA, INC's ultimate parent is
9 EMI Group PLC, which is publicly traded in the U.K.

10
11
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13 JULIE GREER
14 ZUZANA SVIHRA
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16 By

17  9/5/03
18 Zuzana Svihra
19 Attorney for Plaintiffs
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21 ELEKTRA ENTERTAINMENT GROUP;
22 CAPITOL RECORDS; ATLANTIC
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24 RECORDS; UMG RECORDINGS; and,
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